1950. File No. Forest II/50(N)

Legal Department

B BRANCH

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Subject:— Notifications under the Indian Forests Act, 1927

P. 8
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File No. Forest-II/50(N) 318-B

Gen. 194

Legal Department.

In place of the A. and F.D. drafts at pp. 23-29 ante three revised draft notifications are sent herewith.

2) The draft Notification under section 34-A.

The Collector has prepared the draft under section 34 A of the Indian Forest Act on the assumption that unless the lands are declared as forests, they cannot be controlled under section 35 of the Act. This assumption is not correct. Section 34 A provides that for the purposes of this Chapter "Forest" includes any land containing trees and shrubs, pasture land and any other land whatsoever which the Provincial Government may, by notification in the official gazette declare to be a forest. It is clear from the said section that the definition is not of restrictive character. What is a forest in ordinary parlance would continue to be forest under that section and would include other land of the nature specified therein. It is not made clear by the Collector whether the lands specified under the draft notification under section 34 A are the lands which ordinarily can be called forests or are the lands of the nature specified in that section and therefore require to be declared as forests. If the lands are forest lands they need not be declared as forest under that section as such forest would automatically be governed by Chapter V.

3. The draft notification under section 35.-

Sub-section (3) of section 35 of the Act provides that no notification shall be made under sub-section (1) until after the issue of a notice to the owner of such forest calling on him to shew cause within a reasonable period to be specified in such notice, why such notification should not be made and until his objections if any and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the Provincial Government. It is therefore clear that until a notice is issued to the owner of the forest, no notification under sub-section (3) of section 35 of the Act can be issued prohibiting certain acts in the forest. Such notice will have to be given to each individual owner. A draft of such notice is sent herewith. The final notification should issue after following the procedure laid down under sub-section (3) of section 35 of the Act

Sd: J.R. Thuruthel
28/2.
Additional Secretary to Government

U.R. A.& F.D. No.2802, dated the 1st March 1950.

S.]

Notification.

Agriculture and Forests Department,

Bombay Castle, 1950.

Indian Forest Act, 1927.

No. .- In exercise of the powers conferred by section 34A of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay is pleased to declare the lands comprised in the Jagirs specified in column 1 of the Schedule appended hereto and falling within the boundaries described against them in column 2 of the said Schedule, to be forests for the purposes of Chapter V of the said Act.

SCHEDULE

Jagirs	Description of boundaries.
1.	2.

Describe boundaries of the lands ~~of the lands~~ to be declared as forests.

X X X X X

By order of the Governor of Bombay,

Secretary to Government.

JJT. 2116. 4 ₹

Notification.

Agriculture and Forests Department,

Bombay Castle, 1950.

Indian Forest Act, 1927.

No. .- Whereas it appears to the Government of Bombay that it is necessary

(a) for the conservation of trees and forests,

(b) for the preservation and improvement of soil,

(c) for the improvement of grazing, and

(d) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber or fuel

to prohibit in the forests specified in the Schedule appended hereto

(a) the breaking up or clearing of the land for cultivation,

(b) the pasturing of cattle,

(c) the firing or clearing of the vegetation,

(d) the girdling, tapping or burning of any tree or the stripping off the bark or leaves from any tree,

(e) the lopping and pollarding of trees,

(f) the cutting, sawing, conversion and removal of trees and timber, or

(g) the quarrying of stone or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process.

Now, therefore, in exercise of the powers confe-

by sub-section (1) of section 35 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Bombay, the Government of Bombay is pleased to prohibit the said acts in the said forests.

SCHEDULE

Here specify particulars of the forests.

By order of the Governor of Bombay,

Secretary to Government.

Notice.

Agriculture and Forests Department,

Bombay Castle, 1950

No. :- In exercise of the powers conferred by sub-section (3) of section 35 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay calls on

*here enter the name of the owner

to show cause on or before X

X to be inserted

why the accompanying notification should not be made by the Government of Bombay under sub-section (1) of section 35 of the said Act in respect of the forests specified below and belonging to you.

(Here enter the particulars of the forests owned by the above person)

By order of the Governor of Bombay,

Secretary to Government.

GJT. 21.6. 4 d.

Legal Department.

The management of private forests cannot be assumed by Government under the Bombay Tenancy and Agricultural Lands Act, 1948.

Sd: J.R. Dhurandhar,

6/9.

Additional Secretary to Government.

U. O. No. to A. & F.D., No. 12731, dated the 6th September 1950.

GJT: 21.6. 4 cc

Legal Department.

The case relating to the draft rules referred to in A. & F.D. note has been returned to that Department with U.R. to A.& F.D. No. 12803, dated the 7th September 1950.

2. Para 2 of A. & F.D. note.- The notice referred to in sub-section (3) of section 35 of the Act is the notice to be issued by the State Government before a notification regulating or prohibiting any of the acts specified in sub-section (1) is made. There is no objection to the issue of such notice before the draft rules in question are finalised and issued.

Sd: J.R. Dhurandhar

7/9.

Additional Secretary to Government

R. to A. & F.D., No. 12845, dated the 9th September 1950.

GJT. 21.6. 4 e.

19.

Legal Department.

A revised draft notification in place of A. & F.D. draft is sent herewith.

Sd/ J.R. Dhurandhar,
26/9.

Additional Secretary to Government.

U.R. to A. & F.D. No. 13674, dated 27th September 1950.

GJT. 21.6. 4

NOTIFICATION.

Agriculture and Forest Department,

Bombay Castle, 1950.

Indian Forest Act, 1927.

.- In exercise of the powers conferred by sub-section (3) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay is pleased to direct that rule 66 of the Bombay Forest Rules, 1942 shall not apply to the Kolhapur Forest Division in respect of the following class of timber or forest produce, namely:-

(1) Babul-timber and fuel;

(2) Bamboos-Chiwas and Meskathis.

By order of the Governor of Bombay,

Secretary to Government.

GJT. 2166. 4 cc.